

## § 203.62

the maximum efforts of State and local authorities. Projects will be designed for the specific threat, will normally be expedient type construction and temporary in nature.

### § 203.62 Eligibility criteria.

(a) *Threat of flooding.* There must be an immediate threat of *unusual* flooding before advance measures can be considered. The threat may be established by National Weather Service predictions or by Corps of Engineers determinations of unusual flooding from adverse conditions. The threat must be defined to the extent that it is clearly apparent that damages will be incurred if preventive action is not taken immediately.

(b) *Governor's request.* A letter signed by the Governor, requesting Corps assistance and addressing the State's commitments and capabilities with respect to the emergency situation is required. The Bureau of Indian Affairs may request assistance for Indian tribal lands. All requests should identify the following information.

(1) Describe the local and State efforts undertaken. Verify that all available resources have been committed.

(2) Identify the specific needs of the State and the required Corps assistance.

(3) Identify additional commitments to be accomplished by the State.

(4) Identify the project sponsor.

(c) *Feasibility.* The proposed work should be temporary in nature, technically feasible, designed to deal effectively with the specific threat, and capable of construction in time to prevent damages.

(d) *Economic justification.* All work undertaken under this category must have a favorable benefit-to-cost ratio, under Corps of Engineers economic guidelines.

(e) *Local cooperation/responsibilities.* In addition to requirements of subpart H, temporary works constructed by the Corps must be removed by the project sponsor when the operation is over, at no cost to the Corps.

## 33 CFR Ch. II (7-1-02 Edition)

### Subpart G—Local Interests Cooperation and Participation

#### § 203.81 General.

(a) *Requirements for cooperation and participation.* In order to maintain a firm understanding between the Corps and non-Federal interests concerning the responsibilities of each party in responding to a natural disaster, division or district commanders should negotiate a local cooperation agreement with local interests whenever assistance is furnished. Non-Federal interests or local interests may be public entities, organizations, or groups. For assistance to other than a public entity, it is required that there be a public agency to sponsor the project and cosign the agreement. Project sponsors must be one of the following:

(1) Legal subdivision of a state or a state government.

(2) Local unit of government.

(3) Qualified Indian tribe or tribal organization.

(4) State chartered organization, such as a levee board.

Agreements do not require approval by HQUSACE unless they contain special or unusual conditions of local cooperation and participation.

(b) *Request for assistance.* For urgent situations, district/division commanders may respond to oral request from responsible representatives of local interests. However, all oral requests must be confirmed in writing. Before furnishing assistance under Advance Measures, or under Clean Drinking Water the district/division commander must obtain a statement, signed by the Governor, stating that the State is aware of the request, identifying the problem verifying that all available State and local resources have been committed and requesting Federal assistance. For Emergency Operations, the statement may be signed by an authorized State official and assistance can be furnished before the statement is received. On Indian tribal lands the Bureau of Indian Affairs may make requests in lieu of the Governor or other State official.

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